

FACSIMILE TRANSMISSION

RESIDENTIAL DESIGN SERVICES

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PHONE: (707) 251-9677 FAX: (707) 251-8777 CELL: (707) 337-4144

DATE: 9 / 26 / 2006

REFERENCE: C&D ORDER

TO: MARK LIST

NAPA/BERRYESSA
FROM: David D. Horobin, Principal

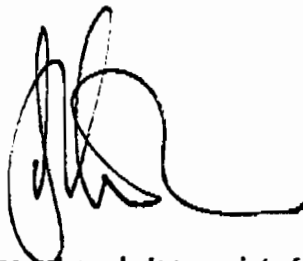
FAX NUMBER: (916) 464-4780

NUMBER OF PAGES BEING TRANSMITTED (Including this cover sheet):

1 2 3 4 5 6 7 8 9 10 ()

Dear MARK.:

LETTER AS PROMISED RE:

RUSS LEE PROPERTY
BERRYESSA.☒ THIS FAX IS URGENT!☐ Correspondence Attached:☐ Drawings Attached:☒ Please acknowledge receipt of this fax A.S.A.P.:☐ Specifications Attached:☐ Invoice Attached:☐ Proposal Attached:☐ Hard Copy In Mail:

THIS FACSIMILE IS BEING TRANSMITTED AND IS CONFIDENTIAL TO THE PERSON WHOSE NAME APPEARS ABOVE AND TO NO OTHER. SHOULD THIS FAX, FOR ANY REASON WHATSOEVER, HAVE BEEN TRANSMITTED TO THE WRONG NUMBER OR PERSON, PLEASE INFORM RESIDENTIAL DESIGN SERVICES IMMEDIATELY AT THIS NUMBER:

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Residential Design Services

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September 26, 2006

Mark List

California Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, # 200
Rancho Cordova, CA 95670-6114
By facsimile (916) 464-4780

Re: 191 Woodhaven Court, Berryessa Highlands, Napa, CA,
(owned by Mr. & Mrs. Russell Lee)
as it pertains to the Berryessa Highlands/NBRID C&D Order

Dear Mr. List:

It is with immense regret that I write this letter to you (with copies to all the Napa County Board of Supervisors) under such extreme circumstances.

My clients, Mr. & Mrs. Russell Lee of Santa Rosa purchased the lot referred to above approximately 3 months ago. I have been a consultant to them for many years and am fully aware of their long time desire to purchase a beautiful piece of land on which to build their dream home, so much so that I was able to help them locate such a parcel.

When they purchased the lot, I made many inquiries into services provided by the NBRID and was always given very positive feedback from their staff regarding locating sewer and water lines for us and how they could help the Lees with the hook-ups. Never, at any time, was there any comment made, either verbally or in writing, let alone receive any form of disclosure notice that the NBRID was in such drastic violation of the mandated sewage disposal standards at the time of purchase or since. Presumably, all the staff was aware of this violation and aware of the possibility of any imminent imposition from your department.

We have since discovered that the NBRID had received many notices informing them of various violations and the need to comply with your standards and also understand that many of those requests have either been ignored or at the most, a partial compliance. We understand the need to impose sanctions on what appears to be an irresponsibly managed utility, but do not believe that the intention was to create irreversible financial and emotional hardship on any property owners.

So far, my clients have spent \$125,000 on the lot, \$19,000 on my fees, approximately \$7,000 on various site engineering studies and reports, approximately \$2,000 on structural engineering. That amounts to \$153,000 that has been paid in cash. Hardly an amount any of us could invest without serious repercussions if plans don't go according to "the rules".

They also have a general contractor signed up to start the work immediately the permit is (was) to be issued and subsequently, he has all his sub-contractors lined up, committed to the project.

The "rules" to which I refer above are as follows: when this property was purchased, the Napa County Board of Supervisors knew, as did the BBRID, that there was a serious violation of disposal standards. Anyone knowledgeable of any reason as to why a property could be encumbered and prevented from the supposed use, for which the property is sold, is required to disclose that matter. My clients received nothing of the sort. No, there was no C&D Order at that point, but, as I have stated, the NCBOS and the NBRID were both aware of the problem and had a responsibility to inform those that this might affect. I have spoken to several residents of the Highlands, none of who were made aware of the apparently irresponsible violations being carried out by their own utility company and are very disturbed by the happenings. Unfortunately, it raised the question from the residents as to "what else will surface when they investigate this issue.....what else are they hiding?"

Regardless of opinions and judgment over this matter, it is my professional obligation to my clients to inform you of the unfair, unwarranted and undeserved hardship that you are all imposing on my clients who are an entirely innocent party to games that are being played with their lives and their financial investment in their dream. I have worked intensely with Mr. & Mrs. Lee and know the emotional and financial investment they have made, as well as the emotional and financial burden you now impose on them.

We will be attending your meeting at the end of October and would like to know the procedure for ensuring that we have an opportunity to speak on this matter, as well as to inform you of that wish by means of this letter. We request that you provide a grace period for those that already have their plans and investment set in stone. If it is possible to do so, we would humbly recommend that that grace period be until the end of October by which to submit plans to the building department and that all owners of properties in the Highlands be informed of this.

We would also request that you release your agenda for these two days of meetings as soon as possible so that we can plan our lives for as little inconvenience as possible, considering the enormous emotional and financial inconvenience this is causing my clients and several others.

Yours,

David D. Horobin

David D. Horobin
Dipl.Arch.(Oxford), ATP, LRIBA

Cc: Individual Members of the Napa valley Board of Supervisors (by individual email)
The California Building Industry Association, Mr.Robert Rivinius, President